

No. 395/1946: ALIENS ORDER, 1946.

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I, GERALD BOLAND, Minister for Justice, in exercise of the powers conferred on me by section 5 of the Aliens Act, 1935 (No. 14 of 1935), and of every and any other power

me in this behalf enabling do hereby order as follows :—

PART I. PRELIMINARY.

Short title and commencement

1.—(1) This Order may be cited as the Aliens Order, 1946.

(2) This Order shall come into operation on the 15th day of December, 1946.

Interpretation

2. The Interpretation Act, 1937 (No. 38 of 1937) applies to this Order.

Definitions

3. In this Order :

the word "alien" does not include a person to whom the Aliens (Exemption) Order, 1935 (S. R. & O. No. 80 of 1935), applies ;

the word "embark" shall include departure by any form of conveyance including departure over a land frontier ;

the expression " Great Britain " includes the Channel Isles, and the Isle of Man ;

the word " keeper " where used in relation to premises where accommodation is provided for reward includes any person who for reward receives any other person to lodge or sleep in the premises, either on his own behalf or as manager or otherwise on behalf of any other person;

the word " lands " shall include arrival or entry by any form of conveyance, including entry over a land frontier, and references to landing shall, unless the context otherwise implies, be deemed to include references to attempting to land ;

the expression " master of a ship " includes the pilot of an aircraft;

the expression " member of a crew " means any person employed in the working or service of a ship ;

the expression " the Minister " means the Minister for Justice :

the word " passenger " means any person, other than a member of a crew, travelling or seeking to travel on board a ship, railway train or a passenger road vehicle ;

the expression " passenger road vehicle " means a vehicle employed on a passenger road service which is licensed under the Road Transport Act, 1932 (No. 2 of 1932) ;

the word " port " includes any place whether on a land or sea frontier where a person lands in or embarks from the State ;

the expression " registration district " means, in the Dublin Metropolitan Division of the *Gárda Síochána*, the said division, and elsewhere means a *Gárda Síochána* district ;

the expression " registration officer " means, in the Dublin Metropolitan Division of the *Gárda Síochána*, the Chief Superintendent of the *Gárda Síochána* for that division, and in every *Gárda Síochána* district outside the Dublin Metropolitan Division means the Superintendent of the *Gárda Síochána* for the district ;

the word " residence " means ordinary dwelling-place and where an alien has more than one dwelling-place, each of such dwelling-places ; and the expression " resident " shall have a corresponding meaning ;

the word " seaman " means an officer or member of a crew of a ship;

the word " ship " includes aircraft.

PART II. ADMISSION OF ALIENS.

Restrictions on landing of aliens

5.—(1) An alien coming from any place outside the State other than Great Britain or Northern Ireland shall not land in the State except with the leave of an immigration officer, or of the Minister, and such leave may be given by the Minister, if he thinks fit so to do, retrospectively after the alien has landed.

(2) An alien coming to the State from Great Britain or Northern Ireland—

(a) shall not land in the State unless he fulfils such requirements as may be directed from time to time by any general or special instructions of the Minister,

(b) shall, within 24 hours of landing in the State, report in person to an immigration officer or the registration officer of the registration district in which he is staying, produce to such officer a valid passport or some other document establishing his nationality and identity and furnish such information as the officer may require regarding the purpose of his landing in the State,

(c) shall not remain in the State for more than one month without the leave of the Minister.

(3) Leave to land in the State shall not be given to an alien coming from any place outside the State other than Great Britain or Northern Ireland, and leave to remain in the State for more than one month shall not be given to an alien who has come from Great Britain or Northern Ireland, unless the alien complies with the following conditions, that is to say :—

(a) he is in a position to support himself and his dependents ;

(b) if desirous of entering the service of an employer in the State, he produces a permit in writing for his engagement issued to the employer by the Minister for Industry and Commerce;

(c) he is not a lunatic, idiot, or mentally deficient ;

(d) he is not the subject of a certificate given to the immigration officer by a medical inspector that for medical reasons it is undesirable that the alien should be permitted to land;

(e) he has not been sentenced in a foreign country for any extradition crime within the meaning of the Extradition Acts, 1870 to 1906 ;

(f) he is not the subject of a deportation order ;

(g) he has not been prohibited from landing by the Minister ;

(h) he fulfils such other requirements as may be directed from time to time by any general or special instructions of the Minister.

(4) An immigration officer may, by general order or notice or otherwise, attach such conditions as he may think fit to the grant by him of leave to land, and the Minister may attach such conditions as he may think fit to the grant by him of leave to land, or of leave to remain in the State for more than one month, and the Minister may at any time add such conditions as he thinks fit to any such leave already granted whether by himself or an immigration officer and the alien shall comply with the conditions so attached or added.

(5) An alien who contravenes any provision of this Article shall for the purposes of Article 7 of this Order be deemed to be an alien to whom leave to land has been refused.

Approved Port

6.—(1) An alien (other than a seaman) coming by sea or air from outside the State shall not, without the permission of the Minister, land elsewhere than at an approved port.

(2) The ports specified in Part I of the First Schedule to this Order shall be approved ports for aliens coming from places outside the State other than Great Britain or Northern Ireland, and the ports specified in Parts I and II of the First Schedule to this Order shall be approved ports for aliens coming from Great Britain and Northern Ireland.

(3) An alien who lands in the State in contravention of this Article shall for the purposes of Article 7 of this Order be deemed to be an alien to whom leave to land has been refused.

Inspection and detention of aliens

7.—(1) An immigration officer or a medical inspector may inspect any alien seeking to land in the State, and any such inspection shall be made as soon as practicable after his arrival.

(2) For the purpose of an inspection under this Article an alien may land, subject to such conditions as may be imposed either by an immigration officer or by the Minister, and any alien on whom any such condition is imposed shall not, for the purposes of this Order, be deemed to have landed so long as the conditions are complied with.

(3) An alien landed subject to conditions under this Article may be detained in such manner as the Minister may direct, and whilst so detained shall be deemed to be in legal custody.

(4) The Minister may direct that security shall be given by the owners, agents, or master of the ship in which an alien subject to conditions under this Article has arrived.

(5) An alien landing in contravention of this Order may, until dealt with under this Order, be detained in such manner as the Minister may direct, and whilst so detained shall be deemed to be in legal custody.

(6) Where leave to land is refused to an alien, the Alien may, with the leave of an immigration officer, be placed temporarily on shore and detained at some place approved by the Minister, and whilst so detained shall be deemed to be in legal custody and not to have landed.

(7) An alien, to whom leave to land has been refused or an alien, coming from a place outside the State other than Great Britain or Northern Ireland, to whom leave to land has not been granted, shall be removed from the State by the master of the ship on which he arrived or, if directions for this purpose are given by the Minister or an immigration

officer, by the owner or agents of that ship, to the country of which the alien is a national or from which he embarked for the State, or where (if a seaman) he was engaged, but this provision shall not apply if a period exceeding two months has elapsed since the date of the last arrival of the alien in the State.

(8) Without prejudice to any other provision of this Article, where leave to land has been refused to, or where leave to land has not been granted to, an alien coming from a place outside the State other than Great Britain or Northern Ireland, and such alien is found in the State, it shall be lawful for an immigration officer or a member of the *Gárda Síochána*, notwithstanding any intervening prosecution and imprisonment of the alien, at any time within one month after the arrival of the alien, to replace the alien on board the ship in which he arrived in the State, or on board any ship belonging to the same owners and bound for the country from which the alien came to the State.

(9) The master of any ship arriving at a port in the State may detain on board any alien coming from a place outside the State other than Great Britain or Northern Ireland, until the alien is inspected or landed for inspection under this Article, and shall on the request of an immigration officer so detain any such alien arriving in that ship, whether seaman or passenger, to whom leave to land has been refused by an immigration officer, and any such alien so detained shall be deemed to be in legal custody.

(10) Any alien landing or embarking at any place in the State shall, on being required so to do by an immigration officer or a member of the *Gárda Síochána* make a declaration as to whether or not he is carrying or conveying any letters, written messages or memoranda, or any written or printed matter, including plans, photographs and other pictorial representations, and if so required shall produce to such officer or member any such letters, messages, memoranda or written or printed matter, and such officer or member may search any such alien and any baggage belonging to him or under his control with a view to ascertaining whether the alien is carrying or conveying any such letters, messages, memoranda or written or printed matter, and may examine and detain, for such time as he may think proper for the purpose of such examination, any letters, messages, memoranda or written or printed matter produced to him or found on such search.

Returns as to aliens by masters of ships

8. The master of any ship landing or embarking passengers coming from or bound for a place outside the State, at any port in the State, shall furnish to such person and in such manner as the Minister may direct, either generally or in any particular case, particulars with respect to the passengers who are being landed or embarked, and any passenger who is an alien shall furnish to the master of the ship any information required by him for the purpose of the return.

Notices to be displayed on ships, railway trains and passenger road vehicles

9. The master of any ship and the person in charge of any railway train or passenger road vehicle bringing passengers into the State from Great Britain or Northern Ireland shall display on such ship, railway train or passenger road vehicle in such manner as the Minister may from time to time direct such notice of the provisions of this Order and of any directions given by the Minister thereunder as the Minister may from time to time direct.

Saving for transmigrants, etc

10. Nothing in this Part of this Order shall prevent the landing in the State of any alien who satisfies an immigration officer either :—

(a) that he holds a prepaid ticket to some destination outside the State and that the master or owner of the ship in which he arrived in or by which he is to leave the State, has given security to the satisfaction of the Minister that, except for the purposes of transit or in other circumstances approved by the Minister, the alien will not remain in, or having been rejected by another country will not re-enter the State, and will be properly maintained and controlled during transit; or

(b) that having taken his ticket in the State and embarked direct therefrom for some other country after a period of residence in the State of not less than six months, he has been refused admission to that country and has returned direct therefrom to a port in the State.

Provided that an alien who remains in or re-enters the State contrary to the terms or conditions of any bond executed in respect of him in pursuance of paragraph (a) of this Article, shall be deemed to be an alien to whom leave to land has been refused.

PART III. SUPERVISION AND DEPORTATION OF ALIENS.

Obligations of aliens to register

11.—(1) An alien shall comply with the following requirements as to registration :—

(a) he shall, as soon as may be, furnish to the registration officer of the registration district in which he is resident, particulars as to the matters set out in the Second Schedule to this Order, and, unless he gives a satisfactory explanation of the circumstances which prevent his doing so, produce to the registration officer, either a valid passport, or some other document satisfactorily establishing his nationality and identity;

(b) he shall furnish to the registration officer of the registration district in which he is resident particulars of any circumstances affecting in any manner the accuracy of the particulars previously furnished by him for the purpose of registration, within seven days after the circumstance has occurred, and generally shall supply to the registration officer all information (including where required by the registration officer a recent photograph) that may be necessary for maintaining the accuracy of the register kept under this Order;

(c) he shall, if he is about to change his residence, furnish to the registration officer of the registration district in which he is then resident, particulars as to the date on which his residence is to be changed, and as to his intended place of residence, and on affecting any change of residence from one registration district to another, within forty-eight hours of his arrival in the registration district into which he moves, report his arrival to the registration officer of that district;

(d) if at any time he is absent from his residence for a continuous period exceeding one month, he shall report to the registration officer of the district of his residence, his current address and every subsequent change of address, including his return to his residence;

(e) he shall :

(i) on his registration obtain from the registration officer a registration certificate;

(ii) on every subsequent alteration or addition of any entry in the register, relating to his registration, produce the certificate to the registration officer, in order that, if necessary, a corresponding alteration or addition may be made in the certificate;

(2) If an alien has no residence in the State he shall attend at the office of a registration officer and, so far as possible, supply the particulars that would be required under this Article if he were resident in the district of that officer, and shall report to the registration officer of any other district in which he stays for more than twenty-four hours and also give notice of any intended change of address to the registration officer to whom he has last reported.

(3) If any alien not having a residence in the State shall supply to a registration officer the name and address of an Irish citizen resident within the registration district of that officer, and being a banker, solicitor, or the keeper, manager, or secretary of a hotel or of a tourist or theatrical agency, and a person who in the opinion of the registration officer is a person of respectability and good credit, the alien shall be deemed to be resident at that address, and the provisions of this Article (other than sub-clause (1) (d), as to reporting the current address), shall apply accordingly and it shall be the duty :

(a) of any such alien to keep the Irish citizen whose name and address has been so supplied, informed as to his current address, and

(b) of the Irish citizen on demand to furnish to any registration officer all information in his possession as to the alien.

(4) If an alien who is required under this Article to register or report, is lodging with, or living as, a member of the household of any other person, it shall be the duty of that person to take steps (either by giving notice to the registration officer of the presence of the alien in his household or otherwise) to secure compliance with the terms of this Order in respect of the registration of or reporting by the alien.

(5) A registration certificate shall be in such form and shall contain such particulars as the Minister may from time to time direct.

(6) The provisions of this Article shall not apply to—

(a) an alien under the age of 16 years;

(b) an alien who was born in Ireland;

(c) an alien woman who is married to or is the widow of an Irish citizen;

(d) an alien not resident in the State who has been in the State for a period of not more than three months since the date of his last arrival in the State;

(e) an alien seaman not resident in the State whose ship remains at a port in the State and who does not land in the State for discharge.

Hotel registers

12.—(1) It shall be the duty of the keeper of every premises to which this Article applies to keep in such premises a register in the form set out in the Third Schedule to this Order of all persons staying at such premises.

(2) The keeper of every premises to which this Article applies shall, on the arrival of any person at such premises, ascertain and enter or cause to be entered in the register kept under this Article the particulars indicated in columns 1, 2, 3, 4 and 5 of such register; and, on the departure of any person from such premises, shall ascertain and enter or cause to be entered in such register the particulars indicated in columns 6 and 7 thereof.

(3) It shall be the duty of every person staying at any premises to which this Article applies to furnish to the keeper of such premises the particulars required under this Article and, in the case of particulars required to be entered in the register kept under this Article, to enter the said particulars in the said register if he is required so to do by the keeper of such premises.

(4) It shall be the duty of the keeper of every premises to which this Article applies to preserve every register kept by him under this Article for a period of two years after the date of the last entry therein.

(5) It shall be lawful for any member of the *Gárda Síochána* or any officer of the Minister duly authorised in that behalf by the Minister to enter any premises to which this Article applies at any reasonable time and there to inspect the register kept in such premises under this Article.

(6) It shall be the duty of the keeper of every premises to which this Article applies to produce the register kept in such premises under this Article when such register is required for inspection by a member of the *Gárda Síochána* or by an officer of the Minister duly authorised in that behalf by the Minister.

(7) This Article applies to any premises, whether furnished or unfurnished, which is an hotel or an inn in which lodging or sleeping accommodation is provided for reward.

Deportation of aliens

13.—(1) Subject to the restrictions imposed by the Aliens Act, 1935 (No. 14 of 1935), the Minister may, if he deems it to be conducive to the public good so to do make an order (in this Order referred to as a deportation order) requiring an alien to leave and to remain thereafter out of the State.

(2) An Order made under this Article may be made subject to any conditions which the Minister may think proper.

(3) An alien with respect to whom a deportation order is made shall leave the State in accordance with the order, and shall thereafter so long as the Order is in force remain out of the State.

(4) An alien with respect to whom a deportation order is made, or a recommendation is made by a court with a view to the making of a deportation order, may be detained in such a manner as may be directed by the Minister, and may be placed on a ship, railway train or road vehicle about to leave the State, and shall be deemed to be in legal custody whilst so detained, and until the ship, railway train or road vehicle finally leaves the State.

(5) The master of any ship and the person in charge of any passenger railway train or passenger road vehicle bound for any place outside the State shall, if so required by the Minister, or by an immigration officer, receive an alien against whom a deportation order has been made and his dependents, if any, on board such ship, railway train or road vehicle and afford him and them proper accommodation and maintenance during the journey.

(6) Where a Deportation Order is made in the case of any alien, the Minister may, if he thinks fit, apply any money or property of the alien in payment of the whole or any part of the expenses of or incidental to the transport from the State and the maintenance until departure of the alien and his dependents, if any.

PART IV. MISCELLANEOUS.

Requirements as to documents of identity and supply of information

14.—(1) Every person (other than a person under the age of sixteen years) landing in the State shall be in possession of a valid passport or some other documents establishing his nationality and identity to the satisfaction of an immigration officer.

(2) Every person landing or embarking in the State shall furnish to an immigration officer such information in such manner as the Minister may from time to time direct.

(3) This Article shall not apply to any person (other than an alien) coming from or embarking for a place within the State, Great Britain or Northern Ireland.

Requirement as to production of documents

15.—(1) Every alien shall produce on demand, unless he gives a satisfactory explanation of the circumstances which prevent him from so doing, either—

(a) in case he is registered or deemed to be registered under this Order, his registration certificate, or

(b) in any other case, a valid passport or some other document satisfactorily establishing his nationality and identity.

(2) In this Article the expression "on demand" means on demand made at any time by any immigration officer or member of the *Gárda Síochána*.

(3) The provisions of this Article shall not apply to—

(a) an alien under the age of 16 years, or

(b) an alien who was born in Ireland, or

(c) an alien woman who is married to or is the widow of an Irish citizen.

Appointment of officers

16.—(1) Immigration officers for the purposes of this Order shall be appointed by the Minister, and the Minister may arrange with the Revenue Commissioners for the employment of officers of Customs and Excise as immigration officers under this Order.

(2) Medical inspectors for the purpose of this Order may be appointed by the Minister with the concurrence of the Minister for Local Government and Public Health.

(3) Immigration officers and medical inspectors appointed under this Order shall have power to enter or board any vessel, and to detain and examine any person arriving at or leaving any port in the State who is reasonably supposed to be an alien, and to require the production of any documents by such person, and shall have such other powers and duties as are conferred upon them by or under this Order, or as may be directed from time to time by the Minister for giving effect to this Order.

Powers to arrest without warrant

17. Any person who acts in contravention of this Order, or is reasonably suspected of having so acted or being about so to act, may be taken into custody without warrant by an immigration officer or by any member of the Garda Síochána.

Special provisions for particular aliens

18. The Minister may, by notice served on an alien, require such alien to comply with particular provisions (either in addition to or in substitution for any provision of this Order) as to registration, change of abode, travelling, employment, occupation and other like matters, and such alien shall comply with such provisions.

Retention of nationality, etc

19. For the purposes of this Order :—

(1) Where an alien acquired a nationality at birth he shall be deemed to retain that nationality unless he has subsequently acquired by naturalisation or otherwise some other nationality, and is still recognised by the Sovereign or State whose nationality he has acquired as entitled to protection;

(2) Where an alien is recognised as a national by the law of more than one foreign State or where for any reason it is uncertain what nationality (if any) is to be ascribed to an alien, that alien may at the discretion of the Minister either be treated as a national of the State with which he is in the opinion of the Minister most closely connected for the time being in interest or sympathy, or as being of uncertain nationality or of no nationality;

(3) Where any deportation order is in force against any person that person shall, unless the Minister otherwise directs be deemed to retain his nationality as at the date of the Order notwithstanding any intervening naturalisation, marriage or any other event.

Revocation, etc., of Aliens Orders, 1935 to 1943

20.—(1) The Aliens Orders, 1935 to 1943, are hereby revoked.

(2) Any permission or direction given or order or requirements made or other action taken under the Aliens Order, 1925, or the Aliens Orders, 1935 to 1943, shall be

deemed to have been given, made or taken under the corresponding provision of this Order, and any alien duly registered under any such Order as aforesaid shall be deemed to be duly registered under this Order, and an identity book or registration certificate issued under any such order as aforesaid shall, unless called in by a registration officer, be deemed to be a registration certificate under this Order.

FIRST SCHEDULE.

LIST OF APPROVED PORTS.

Part I.

Cobh, Dublin, Dublin Airport, Galway, Moville, Shannon Airport.

Part II.

Cork, Dún Laoghaire, Rosslare, Waterford.

SECOND SCHEDULE.

PARTICULARS TO BE FURNISHED ON REGISTRATION.

1. Name in full, and sex.
2. Present nationality and how and when acquired and previous nationality (if any).
3. Date and place of birth.
4. Profession or occupation.
5. Date, place and mode of arrival in the State.
6. Address of residence in the State.
7. Address of last residence outside the State.
8. Photograph (which, if not furnished by the alien, may be taken by the registration officer).
9. Government services, name of country served, nature and duration of service, and rank and appointments held.
10. Particulars of passport or other document establishing nationality and identity.
11. Signature (which, if required, shall be in the characters of the language of the alien's nationality) and finger prints if required.
12. Any other matter of which particulars are required by the registration officer.

THIRD SCHEDULE.

Date of Arrival	Name	Place of Ordinary Residence	Place of Residence immediately before arrival at the premises	Nationality	Date of Departure	Address to which proceeding
1	2	3	4	5	6	7

GIVEN under my Official Seal this 28th day of November, 1946.

(Signed) GERALD BOLAND,

Minister for Justice.

Source: Irish Statute Book Database

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